

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

H. KENNETH LEFOLDT, JR.

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:15cv96-KS-MTP

DONALD RENTFRO, *et al.*

DEFENDANTS

RULE 16(a) INITIAL ORDER

The above captioned cause is set for a **TELEPHONIC CASE MANAGEMENT CONFERENCE (CMC)** on September 21, 2016 at 1:30 p.m. before Magistrate Judge Michael T. Parker in Hattiesburg, MS. Counsel should send their case memoranda to:

Magistrate Judge Michael T. Parker

United States Courthouse

701 N. Main Street, Suite 216

Hattiesburg, Mississippi 39401

(601) 255-6370

(601) 255-6371 (fax)

parker_chambers@mssd.uscourts.gov

The parties are to dial the court's conference line (1.888.273.3658, code 1055457) to connect to the call.

No later than twenty one (21) days prior to the CMC, counsel shall confer regarding all matters set forth in Fed.R.Civ.P. 26(f) and L.U.Civ.R. 26(e).

No later than fourteen (14) days after the attorney conference, **seven (7) days prior to the CMC, the parties shall submit a proposed case management order to the judge only.** This submission shall **not** be filed with the Clerk of Court. By the same deadline, the parties shall also submit a Confidential Memorandum (3 page maximum) setting forth a brief explanation of the case, and a candid appraisal of the respective positions, including possible settlement figures. The parties will also furnish in their memorandum a good faith estimate of the expense of carrying the litigation through trial and the appellate process, if not settled, and will have discussed these costs with their respective clients. These memoranda are **not** to be exchanged and will be viewed only by the Court. Further, these memoranda shall **not** be filed with the Clerk of Court.

Upon receipt and examination of the proposed case management order and confidential memoranda, the Court will determine if the case management conference will remain telephonic, will be converted to an in-person conference, or a case management order will be entered based upon the submissions of the parties. If the parties consent to trial by Magistrate Judge, the attached consent form must be executed and submitted with the proposed case management order.

THE FAILURE OF ANY PARTY TO TIMELY SUBMIT THE PROPOSED CASE MANAGEMENT ORDER AND CONFIDENTIAL MEMORANDA SHALL REQUIRE ATTENDANCE IN PERSON BY ALL DEFAULTING COUNSEL AT THE CASE MANAGEMENT CONFERENCE. ALL ATTORNEYS OF RECORD FOR THE DEFAULTING PARTY SHALL BE REQUIRED TO ATTEND AND THE CONFERENCE SHALL NOT BE SUBJECT TO RESCHEDULING. SANCTIONS WILL BE IMPOSED AT THE CONFERENCE.

At the case management conference, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;
2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;
3. Indicate whether all parties consent to jurisdiction by a magistrate judge;
4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;
5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;
6. Determine the plan for at least the first stage of discovery; impose limitations on each discovery tool, time periods and other appropriate matters;
7. Discuss the timing for the Rule 16(g) settlement conference;
8. Discuss scheduling and set appropriate scheduling deadlines including dates for settlement conference, completion of discovery, motions, final pretrial conference and trial. The parties should be prepared to discuss prior conflicts with the trial date.
9. Verify that counsel are registered for electronic document filing and are familiar with the Administrative Procedures for Electronic Filing.

A case management order shall be entered by the Court within fourteen (14) days of the conference. The parties **shall not** complete the scheduling order (page 2) until the CMC. The Uniform Local Rules, form case management order, and a case management time line are available on the court website at www.mssd.uscourts.gov.

UNITED STATES MAGISTRATE JUDGE

Date: August 17, 2016

s/Michael T. Parker

UNITED STATES DISTRICT COURT

for the
_____ District of _____

Plaintiff
v.

Defendant

Civil Action No. _____

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.